

REMARKS

Claims 1-4, 6-8, 10-18, 34-39, and 64-132 are pending.

The specification has been amended to include the U.S. Provisional Application Serial Number as requested by the Examiner. No new matter has been added.

Rejection of Claims 1-4, 6-8, 10-18, 34-39, and 64-132 under 35 U.S.C. § 103(a)

Claims 1-4, 6-8, 10-18, 34-39 and 64-132 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jennings (WO 94/17794).

Applicants claim methods of increasing ATP production of a subject, by administering to the subject an effective amount of a creatine compound and an ATP enhancing agent. Applicants also claim methods of protecting a subject against oxidative damage, by administering to the subject an effective amount of a creatine compound and a neuroprotective agent. In addition, Applicants also claim methods and compositions for the treatment of amyotrophic lateral sclerosis, Parkinson's disease and Huntington's disease in a subject. The methods include administering to a subject a therapeutically effective amount of a combination of creatine, a creatine phosphate or a creatine analog and a neuroprotective agent.

Jennings discusses a blend of a glycine derivative, such as creatine, and sugars to enhance tissue formation and as a metabolic supplement. Although the reference alleges that the glycine derivative sugar mixture would be useful for the treatment of multiple sclerosis and dementias, such as Alzheimer's disease, the only examples in Jennings describe the formation of tablets. Furthermore, the reference is silent as to which ingredient is the active ingredient. The examples described by Jennings contain a significant amount of sugar (33% by weight) in combination with creatine. The reference does not teach or suggest that creatine alone or in combination with second agents other than the claimed sugars would be useful for a metabolic supplement or formation of tissue. Furthermore, there is no data or other enabling disclosure which would teach or suggest to an ordinarily skilled artisan that the allegations made by Jennings would be applicable to other disease states or compositions which did not contain the glycine derivative and the sugar, as described.

Jennings does not teach or suggest methods for increasing ATP production, or methods for protecting a subject against oxidative damage by administering a creatine compound and an antioxidant. In addition, Jennings does not teach or suggest methods

for the treatment of amyotrophic lateral sclerosis, Parkinson's disease, or Huntington's disease.

Therefore, Applicants respectfully request that this rejection of claims 1-4, 6-8, 10-18, 34-39 and 64-132 under 35 U.S.C. § 103(a), be withdrawn.

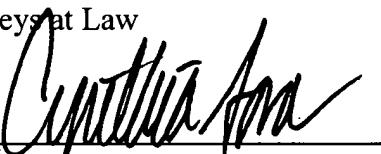
SUMMARY

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the Elizabeth A. Hanley, Esq. at (617) 227-7400.

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